



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/808,761	03/24/2004	Daniel R. Coward	SUNMP324 / P9667	5906

32291 7590 12/27/2005

MARTINE PENILLA & GENCARELLA, LLP
710 LAKEWAY DRIVE
SUITE 200
SUNNYVALE, CA 94085

EXAMINER

HUYNH, NAM TRUNG

ART UNIT	PAPER NUMBER
----------	--------------

2643

DATE MAILED: 12/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/808,761

Applicant(s)

COWARD ET AL.

Examiner

Nam Huynh

Art Unit

2643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10/12/05.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Raivisto et al. (US 2004/0075675) in view of Robinson et al. (US 2002/0072982).

A. Regarding claims 1 and 9, Raivisto et al. discloses a service and method for accessing services via a mobile terminal comprising:

- A service panel that presents a list or other selectable group of services to the end user (page 4, paragraph 0035).
- The services offered by the service panel may be filtered by a context filter, which only allows the display of those services that are "operable" given such parameters as the end user's location, time of day, or personal profile (page 7, paragraph 0059). An example of presenting services based on time of day is providing certain services during standard business hours, a predefined period of time (page 6, paragraph 0056).
- A mobile device that displays services available to a user (figures 2 and 3).

Raivisto et al. does not explicitly disclose that a set of services is predicted for a user to utilize. Robinson et al. discloses a method and process for processing information comprising:

- Retrieving information that is potentially pertinent to one or more users or obtaining a user profile (page 1, paragraph 0012).
- A service that may be anticipatory, suggestive, adaptive, proactive, personalized to the needs of a user; it may for instance, adjust user profile and preferences over time by tracking user activity (page 2, paragraph 0016).
- A system comprising a processing device and a memory in which one or more processed information items may be provided to a user, stored, or transferred (page 10, paragraph 0104).
- A rules and context filter or ranker filter (figure 1, items 106,112).
- A queue (figure 1, item 114) that stores information to be transferred through a transfer medium (not shown) to a receiving device or output to the user (page 7, paragraph 0065).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the information gathering teachings of Robinson et al. in the invention of Raivisto et al. in order to reduce the user's effort expended (e.g. time and energy) to get relevant information.

B. Regarding claim 2, Robinson et al. discloses that context based processing that consists of user context that may comprise decision-shaping facts such as end-user profile/preference information or user history (page 5, paragraph 0048).

C. Regarding claims 3, 10, and 19, Robinson et al. discloses that user context is often used as the basis for deriving a representation of the user. Features of such a representation may include the user's current task, disposition, etc. One of ordinary skill

in the art would recognize that since the user context may comprise user history, service usage patterns would be used to derive a representation of the user (page 5, paragraph 0048).

D. Regarding claims 4 and 11, Robinson et al. discloses that user context is information about the user, including static information (e.g. name, birth date, etc.) (page 5, paragraph 0048).

E. Regarding claims 5-6, 12-13, and 20, Robinson et al. discloses that context based processing may also comprise determining what information items to transfer and determining the best mode of presentation and/or methods of using device capabilities for interaction with the physical and virtual worlds. Furthermore, upon receiving information items, a device may, for example, act by formatting and presenting some portion of the information to a user. The receiving device may further process the information items, resulting in a modified presentation to the user or transfer to another device (page 2, paragraph 0028). Therefore, one of ordinary skill in the art would recognize that the information or services can be displayed "in the best mode of presentation" based on the context information, user profile, and/or the device possessed by the end user.

F. Regarding claims 7-8, 14-15, and 21, Robinson et al. discloses an example where a user receives up to date weather information. Based on this information a change of route could be desirable and is sent to the user. Furthermore, this dynamic processing can occur on the source device, the receiving device, or both (page 7,

paragraph 0064). This example shows the combination of two services, a weather information service and a routing service.

G. Regarding claim 16, Robinson et al. discloses that user context may comprise decision-shaping facts such as end-user personal profile/preference information, user history, geographic location of the user as determined by internal or external positioning means, location inferred from calendar appointments accessible by the device, user-established preferences. User context may be derived and updated through a wide variety of mechanisms, including, for example, examination of the user's calendar or direct user input (page 5, paragraph 0048).

H. Regarding claim 17, Robinson et al. discloses computer context that typically includes information on device usage policies, policy enforcement mechanisms, authentication methods, etc. (page 5, paragraph 0052). This context would allow entry into the system.

I. Regarding claim 18, the limitations are rejected as applied to claims 1 and 9. Furthermore, Robinson et al. discloses that the operations described can be stored in the memory of a computer system as a set of instructions to be executed (page 11, paragraph 0105).

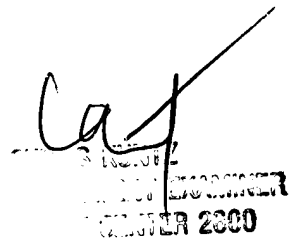
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nam Huynh whose telephone number is 571-272-5970. The examiner can normally be reached on 8 a.m.-5 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on 571-272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NTH
12/12/05



A handwritten signature, possibly "C. Kuntz", is written over a rectangular stamp. The stamp contains the text "Patent Examiner" and "NOV 2000".